

REMARKS/ARGUMENTS

In the Office Action mailed May 16, 2007, claims 1 – 3, 5, and 7 – 12 were rejected. Additionally, claims 4 and 6 were objected to. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims have been amended, added, or canceled.

Allowable Subject Matter

Applicant notes with appreciation that claims 4 and 6 are objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the below-provide remarks, Applicant has not rewritten the claims in independent form at this time.

Objections to the Specification

In the Office action, the abstract was objected to. Applicant has amended to abstract to meet the requirements of MPEP 608.01(b). Applicant respectfully requests that the objection to the specification be removed in view of the amended abstract.

Objections to the Drawings

Applicant has reviewed and considered the objections to the drawings and respectfully traverse all objections. The Office action cites 37 C.F.R. § 1.83(a) in the objection and states that Figs. 1a, 1b, 1c, 1d, and 2 “fail to show detail of all the black boxes.” The requirements of 37 C.F.R. 1.83(a) are as follows:

“The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371, not permitted to be included in the drawings.” (emphasis added)

Applicant asserts that the drawings are “labeled” as required under 37 C.F.R. § 1.83(a). 37 C.F.R. 1.83(a) states that features should be illustrated in the form of a graphical drawing symbol or “a labeled representation (e.g., a labeled rectangular box).”

(emphasis added) The rule does not further specify what is required of a “label.” Applicant asserts that all boxes in Figs. 1a, 1b, 1c, 1d, and 2 are “labeled” with reference numbers and all of the reference numbers are clearly identified in the specification as corresponding to a system element. Because all of the features in Figs. 1a, 1b, 1c, 1d, and 2 are “labeled” as suggested in 37 C.F.R. § 1.83(a), Applicant respectfully asserts that the objection to the figures is improper and should be withdrawn.

Claim Rejections Under 35 U.S.C. 102

Claims 1 – 3, 5, and 7 – 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Zumkeller (EP 1 156 589 A1). However, Applicant respectfully submits that these claims are patentable over Zumkeller for the reasons provided below.

Independent Claim 1

Claim 1 recites:

“System for converting an analog wanted signal into a digital wanted signal and for suppressing an analog unwanted signal and comprising
an analog filter for at least partly ***suppressing the analog wanted signal***
and the analog unwanted signal, resulting in an analog output signal;
an analog-to-digital-converter for converting the analog output signal into a digital output signal; and
a compensator for compensating the digital output signal for the at least partly suppressing of the analog wanted signal.” (emphasis added)

That is, claim 1 recites that the analog wanted signal is at least partially suppressed.

Applicant points out that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (MPEP 2131) Applicant asserts that Zumkeller does not disclose “at least partly suppressing the analog wanted signal” as recited in claim 1.

Zumkeller disclose analog filters (6) and (9) in Fig. 1. Although Zumkeller discloses the analog filters, Zumkeller does not disclose whether or not the analog filters suppress the analog wanted signal within the filter bandwidth. In Figs. 2 and 3, Zumkeller discloses the filter characteristic of the first and second analog filters. From

the filter characteristics depicted in Figs. 2 and 3, it does not appear that the wanted signal (30) is suppressed in any way. Because Zumkeller does not disclose an analog filter that “at least partly suppress[es] the analog wanted signal” as recited in claim 1, Applicant asserts that claim 1 is not anticipated by Zumkeller.

Independent Claims 9 and 10

Independent claims 9 and 10 include similar limitations to claim 1. In particular, claims 9 and 10 include the limitation of at least partly suppressing an analog wanted signal. Although the language of claims 9 and 10 differ from the language of claim 1 and the scope of claims 9 and 10 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to claim 1 apply also to claims 9 and 10. Accordingly, Applicant respectfully asserts that independent claims 9 and 10 are not anticipated by Zumkeller at least for similar reasons to those stated above in regard to independent claim 1.

Dependent Claims 2 – 4, 6 – 10, and 12 – 20

Claims 2, 3, 5, 7, and 8 are dependent on claim 1 and claims 11 and 12 are dependent on claim 10. Applicant respectfully asserts that claims 2, 3, 5, 7, 8, 11, and 12 are allowable at least based on allowable base claims. Additionally, claims 2 and 5 may be allowable for further reasons, as described below.

Claim 2 recites that the compensator “comprises a digital filter or an equalizer.” In regard to claim 2, the Office action states only that “Zumkeller also teaches wherein the compensator comprises a digital filter or an equalizer.” Although the Office action states that claim 2 is anticipated by Zumkeller, the Office action provides no specific reference to a digital filter or an equalizer. Further, Applicant has found no reference to a compensator that “comprises a digital filter or an equalizer” as recited in claim 2. Applicant respectfully requests that the Office action provide a specific reference within Zumkeller that discloses the limitations of claim 2 or that the rejection of claim 2 be withdrawn.

Claim 5 recites “wherein the analog filter and the compensator are matched.” In regard to claim 5, the Office action states only that “Zumkeller also teaches wherein the

analog filter and the compensator are matched.” Although the Office action states that claim 5 is anticipated by Zumkeller, the Office action provides no specific reference to an analog filter and a compensator being matched. Further, Applicant has found no reference to a compensator or to a compensator and an analog filter being “matched” as recited in claim 5. Applicant respectfully requests that the Office action provide a specific reference within Zumkeller that discloses the limitations of claim 5 or that the rejection of claim 5 be withdrawn.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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